

IN THE CLAIMS

1. (previously presented) A combination including a fence and a protective guard comprising:

said fence having vertical posts with upper ends and at least one top support bar extending between said vertical posts;

a tubular member having first and second ends, an outer surface extending between the first and second ends, an inner surface extending between the first and second ends that defines an interior space, and a slot extending between the inner and outer surfaces and the first and second ends of said tubular member, wherein said tubular member is secured over an upper edge of said fence so that the upper ends of said vertical posts and said at least one top support bar are captured within the interior space of said tubular member;

a spacer positioned between the inner surface of said tubular member and said at least one top support bar for supporting said tubular member between said vertical posts, wherein said spacer is in contact with said tubular member and said top support bar for preventing sagging of said tubular member between said vertical posts; and

insulation material disposed in the slot and the interior space of said tubular member for sealing the interior space of said tubular member.

2. (original) The combination as claimed in claim 1, wherein said spacer has a height and wherein the upper ends of said vertical posts extend above said at least one top support bar by a vertical distance that is substantially equal to the height of said spacer.

3. (original) The combination as claimed in claim 1, wherein said spacer has an upper end in contact with the inner surface of said tubular member and a lower end in contact with said at least one top support bar.

4. (original) The combination as claimed in claim 1, wherein said tubular member is made of polypropylene.

5. (original) The combination as claimed in claim 1, wherein said insulation material includes caps positioned within openings at the first and second ends of said tubular member.

6. (original) The combination as claimed in claim 5, wherein said caps include a polymer material.

7. (original) The combination as claimed in claim 1, wherein said insulation material includes at least one resilient strip positioned within the slot.

8. (canceled)

9. (original) The combination as claimed in claim 1, further comprising first and second attachment flanges extending from the outer surface of said tubular member on opposite sides of the slot, wherein said attachment flanges are positioned on opposite sides of said fence when said protective guard is secured over said fence.

10. (original) The combination as claimed in claim 9, further comprising at least one securing element in contact with said attachment flanges for securing said attachment flanges together on opposite sides of said fence.

11. (previously presented) A combination including a fence and a protective guard comprising:

said fence having vertical posts with upper ends and at least one top support bar extending between said vertical posts;

a tubular member having first and second ends, an outer surface extending between the first and second ends, an inner surface extending between the first and second ends that defines an interior space, and a slot extending between the inner and outer surfaces and the first and second ends of said tubular member, wherein said tubular member is secured over an upper edge of said fence so that the upper ends of said vertical posts

and said at least one top support bar are captured within the interior space of said tubular member;

a spacer positioned between the inner surface of said tubular member and said at least one top support bar for supporting said tubular member between said vertical posts; and

insulation material disposed in the slot and the interior space of said tubular member for sealing the interior space of said tubular member, wherein the first end of said tubular member has a reduced diameter that is adapted to slide within an opening at an end of an adjacent protective guard.

12. (previously presented) A combination including a fence and a protective guard comprising:

said fence having vertical posts with upper ends and at least one top support bar extending between said vertical posts;

a tubular member having first and second ends, an outer surface extending between the first and second ends, an inner surface defining an interior space and a slot extending between the inner and outer surfaces and the first and second ends of said tubular member, wherein said tubular member is secured over an upper edge of said fence so that the upper ends of said vertical posts and the at least one top support bar are captured within the interior space of said tubular member; and

a spacer positioned within the interior space of said tubular member and in contact with both the inner surface of said tubular member and said at least one top support bar for supporting said tubular member between said vertical posts so as to prevent said tubular member from sagging between said vertical posts, wherein said spacer extends only part way between the first and second ends of said tubular member.

13. (original) The combination as claimed in claim 12, further comprising first and second attachment flanges extending from the outer surface of said tubular member on opposite sides

of the slot, wherein said attachment flanges are positioned on opposite sides of said fence when said protective guard is secured over said fence.

14. (original) The combination as claimed in claim 13, further comprising at least one securing element in contact with said attachment flanges for securing said attachment flanges together with a portion of said fence positioned between said attachment flanges.

15-20. (cancel)

21. (new) The combination as claimed in claim 11, further comprising first and second attachment flanges extending from the outer surface of said tubular member on opposite sides of the slot, wherein said attachment flanges are positioned on opposite sides of said fence when said protective guard is secured over said fence..

22. (new) The combination as claimed in claim 21, further comprising at least one securing element in contact with said attachment flanges for securing said attachment flanges together on opposite sides of said fence.